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EXAMINER

ENGLAND, DAVID E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,824

Applicant(s)

BEAMS ET AL.

Examiner

David E. England

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1 – 19 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. The limitation of claims 5 and 15 that state, “a breakout room” is not disclosed in the specification to enable one of ordinary skill in the art to depict what “a breakout room” is or could be. Applicant is asked to point to the main body of the specification and the drawings example that can directly support any definitions or examples to the limitation of “a breakout room”.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 4, 6 – 14 and 16 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisendrath et al. (6347333) (hereinafter Eisendrath) in view of Podgorny et al. (6078948) (hereinafter Podgorny).

7. Referencing claim 1, as closely interpreted by the Examiner, Eisendrath teaches a method for establishing a virtual university, comprising the steps of:

8. connecting a virtual university server and one or more users, (e.g. col. 1, line 65 – col. 2, line 9);

9. selecting a destination within the virtual university server to interact with the one or more users, (e.g. col. 6, lines 27 – 35);

10. coupling the one or more users through the virtual university server based on the selected destination, (e.g. col. 5, lines 50 – 58), but does not specifically teach establishing interaction parameters for the one or more users based on the selected destination.

11. Podgorny teaches establishing interaction parameters for the one or more users based on the selected destination, (e.g. col. 9, line 38 – col. 10, line 30). It would have been obvious to one of ordinary skill in the art, at the time the invention was conceived, to combine Podgorny with Eisendrath because it would be more efficient for a system if the student identified themselves so

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to access information that could be private to only that or other specific students that have specific rights to the private information.

12. Referencing claim 2, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a virtual student union where users can interact using a bulletin board or other collaborative functions, (e.g. col. 7, lines 18 – 24).

13. As per claim 3, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a virtual library where a user can user resources and consult with a virtual librarian, (e.g. col. 2, lines 36 – 54).

14. As per claim 4, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a virtual administration office where a user can register for courses, search a directory, utilize a class locator, consult with the administration help desk, (e.g. col. 7, lines 18 – 24),

15. add a course, (e.g. col. 2, lines 23 – 35), drop a course, (e.g. col. 7, line 66 – col. 8, line 12), and utilize a career center, (e.g. col. 1, line 65 – col. 2, line 9).

16. As per claim 6, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a university directory that provides information on persons and entities associated with the university, (e.g. col. 6, lines 27 – 35).

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17. As per claim 7, as closely interpreted by the Examiner, Eisendrath teaches tests are applied to the users, (e.g. col. 7, lines 1 – 10).

18. As per claim 8, as closely interpreted by the Examiner, Eisendrath teaches any two users can collaborate in the virtual university, (e.g. col. 8, lines 13 – 20 & col. 10, lines 56 – 60).

19. As per claim 9, as closely interpreted by the Examiner, Eisendrath teaches grades are distributed electronically, (e.g. col. 7, lines 34 – 42).

20. Claims 10 – 14 and 16 – 19 are rejected for similar reasons as stated above.

21. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisendrath and Podgorny as applied to claim 1 above and, in further view of what is well known in the art.

22. As per claim 5, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a virtual classroom where a user can learn, (e.g. col. 5, lines 50 – 58 & col. 6, lines 3 – 19),

23. view a directory of other students in a class, (e.g. col. 7, lines 43 – 57),

24. view materials, (e.g. col. 9, lines 57 – 63),

25. grades, (e.g. col. 8, lines 31 – 52),

26. announcements, (e.g. col. 8, lines 31 – 52),

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27. homework, (e.g. col. 9, lines 57 – 63),
28. administer tests, (e.g. col. 7, lines 1 – 10),
29. ask questions of an instructor, (e.g. col. 7, lines 18 – 24),
30. review lectures, (e.g. col. 7, lines 18 – 24),
31. view the class schedule and view research topics, (e.g. col. 7, line 66 – col. 8, line 12 & col. 10, lines 27 – 36), but doesn't specifically teach enter a breakout room, review old tests.
32. Podgorny teaches a breakout room, (e.g. col. 5, lines 9 – 19). It would have been obvious to one of ordinary skill in the art, at the time the invention was conceived, to combine Podgorny with Eisendrath because letting students interact in other manners that does not require academic activities on the same program that has a plurality of different academic amenities allows a user to stay on the same web site and not have to log off and log onto the system again to find other means to break from academic work.
33. Podgorny does not specifically teach review old tests.
34. Although, Eisendrath and Podgorny do not specifically teach reviewing old tests, Eisendrath does state that an instructor and/or a user can post documents on the system for other users to view. It would be obvious that if a user can post any type of documents on the system, then the user can post documents like homework, events that are coming up, syllabus and even old tests for studying. An old test is just a label for a document, it has no special coding or configuring that would differentiate it from other types of documents that can be posted, (like homework or a syllabus).
35. Therefore, Examiner takes Official Notice (see MPEP § 2144.03) that " review old tests " in a computer networking environment was well known in the art at the time the invention was

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made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

36. Claim 15 is rejected for similar reasons as stated above.

Response to Arguments

37. Applicant's arguments filed 09/12/2005 have been fully considered but they are not persuasive.

38. In the Remarks, Applicant argues in substance that the patent application states what a breakout room is and provides logic in Figure 89 for accessing a breakout room (corresponding

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to function block 39310). The corresponding description is provided from page 203, line 17 to page 204, line 7. Therefore, the rejection is to be withdrawn.

39. As to part 1, there is not disclosure in the specification that teaches what would constitute a breakout room nor is there any information in the specification that would make a breakout room unique or any different than another chat room. The specification only mentions that there is a “breakout room”. Rejection still stands.

40. In the Remarks, Applicant argues in substance that the combination of Eisendrath and Podgorny does not suggest the feature taught in claim 1, emphasis added, “establishing **interaction parameters** for the one or more users based on the selected destination.” This also includes claims 10 and 11.

41. As to part 2, Examiner would like to draw the Applicant’s attention to claims 1, 10 and 11, in regards to the language used in said claims. In which, there is no disclosure as to what type of parameters are established in the interaction, or otherwise known in the art as communication. It is known in the art that in most communication networks that have new users there is a need to communicate the parameters or protocols that a new users utilizes to the new user can communicate with the network and other users already established in the network. As seen in Podgorny, in column 6, lines 52 et seq., the clients send and receive various messages from the applications 230a-b, 235a-b and **control logic 225**, which are sent to a server. The demon maintains logic copies of **system state**. Further in the prior art, it is stated in column 7 that the startup procedure will also specify **room-specific information that may be used by the control**

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logic 225 to establish the room-specific user interface. This is apparent throughout the prior art.

42. Applicant is reminded that when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

43. Therefore, the combination of Eisendrath and Podgorny teach the limitations in the broadest reasonable interpretation.

44. In the Remarks, Applicant argues in substance that Eisendrath does not disclose viewing “a directory of other students in a class”.

45. As to part 3, Examiner would like to draw the Applicant’s attention to their claim language. In which, it does not state that the classes have to be current classes, they only have to be “a directory of other students in a class”. This could make one interpret the claim language as

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a student having the ability to view a list of students that have taken a class. Therefore, the prior art teaches the claim language as stated above. Furthermore, if a virtual classroom can be interpreted as a chat room with a specific topic, then it is well known in the prior art that in a chat room you can see a list of users that are participating in a chat room discussion.

Conclusion

46. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De



JEFFREY PWU
PRIMARY EXAMINER